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Oceans and the law of the sea: agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

Canada, Norway, Papua New Guinea and United States of America: draft resolution

Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

The General Assembly,

Recalling the relevant provisions of the United Nations Convention of the Law of the Sea,[1] including Part VII, section 2,

Recognizing that the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks[2] (the Agreement) sets forth the rights and obligations of States in authorizing the use of vessels flying their flags for fishing on the high seas,

Noting that while twenty-four States or entities have ratified or acceded to the Agreement, the Agreement has not yet entered into force,

Conscious of the need to promote and facilitate international cooperation, especially at the regional and subregional levels, in order to ensure the sustainable development and use of the living marine resources of the world's oceans and seas, consistent with the present resolution,

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[1] *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

[2] A/CONF.164/37, see also A/50/950, annex I.

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Noting that the stock situation for some species of straddling fish stocks and highly migratory fish stocks is of great concern due to the fact that those stocks have not been subject to adequate regulatory measures,

Recognizing the importance of actions States and other entities should take in order to share responsibly in the use of high seas fishery resources, including straddling fish stocks and highly migratory fish stocks, as outlined in Parts III and IV of the Agreement,

Recognizing also the duty provided in the Agreement and reiterated as a principle in the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations for flag States to exercise effective control over fishing vessels flying their flag and vessels flying their flag which provide support to such vessels, and to ensure that the activities of such vessels do not undermine the effectiveness of conservation and management measures taken in accordance with international law and adopted at the national, subregional, regional or global levels,

Recognizing further that a number of regional fishing organizations and arrangements with competence to establish conservation and management measures regarding straddling fish stocks and of highly migratory fish stocks are already taking significant conservation measures to promote the recovery and long-term sustainable use of fish stocks worldwide and that in order for those efforts to succeed it is important that all States and entities, including those which are not members of these organizations or party to these arrangements, cooperate and observe these conservation and management measures,

Taking note of the obligation of States and other entities and regional and subregional fishery management organizations and arrangements to take measures to prevent or eliminate overfishing, and encouraging all States to participate in the work of the Food and Agriculture Organization of the United Nations on the subject,

Noting that some regional fisheries organizations and arrangements, including those mentioned in the report of the Secretary-General,[1] [2] have recently taken measure to ensure that fishing vessels flying the flags of non-members of those organizations or non-parties to those arrangements do not undermine the regionally adopted conservation and management measures,

Recognizing that the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas builds upon the legal framework established by the United Nations Convention on the Law of the Sea, and also recognizing the importance of that Agreement and noting that it also has not yet entered into force,

Taking note with concern that straddling fish stocks and highly migratory fish stocks in some parts of the world have been subject to heavy and little-regulated fishing efforts, and that some stocks continue to be overfished, mainly as a results of unauthorized fishing,

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[1] A/54/461.

[2] The organizations and arrangements mentioned in the Secretary-General's report are: International Commission for the Conservation of Atlantic Tunas; Indian Ocean Tuna Commission; Commission on Biological Resources of the Caspian Sea; General Fisheries Commission for the Mediterranean; Commission for the Conservation of Antarctic Marine Living Resources; North-East Atlantic Fisheries Commission; South Pacific Forum Fisheries Agency; Trilateral High Level Conference on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific; Western Central Atlantic Fishery Commission; Northwest Atlantic Fisheries Organization; Asia-Pacific Fishery Commission; Fishery Committee for Eastern Central Atlantic and South East Atlantic Fisheries Organization.

Concerned that illegal, unregulated and unreported fishing, including that noted in the report of the Secretary-General,[1] threatens serious depletion of populations of certain fish species, and in that regard urging States and entities to collaborate in efforts to address these types of fishing activities,

Noting the importance of the wide application of the precautionary approach to the conservation, management and exploitation of straddling fish stocks and highly migratory fish stocks, in accordance with the Agreement,

Reaffirming the importance it attaches to compliance with its resolution 46/215 of 20 December 1991, in particular those provisions calling for full implementation of a global moratorium on all large-scale pelagic drift-net fishing on the high seas of the world's oceans and seas, including enclosed seas and semi-enclosed seas,

Reaffirming also its resolution 49/116 of 19 December 1994 on unauthorized fishing in zones of national jurisdiction and its impact on the living marine resources of the world's oceans and seas, as well as its resolution 52/28 of 26 November 1997 and other relevant resolutions,

1. *Welcomes* the report of the Secretary-General[2] on recent developments and current status of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks;[3]

2. *Calls upon* all States and other entities referred to in article 1, paragraph 2 (b), of the Agreement that have not done so to ratify or accede to it and to consider applying it provisionally;

3. *Emphasizes* the importance of the early entry into force and effective implementation of the Agreement;

4. *Reaffirms* the importance it attaches to compliance with its resolutions 46/215 of 20 December 1991, 49/116 and 49/118 of 19 December 1994 and 52/28 of 26 November 1997, and urges States and other entities to enforce such measures fully;

5. *Calls upon* all States and other entities referred to in article X, paragraph 1, of the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas that have not done so to accept that Agreement;

6. *Calls upon* all States to ensure that their vessels comply with the conservation and management measures in accordance with the Agreement that have been adopted by subregional and regional fisheries management organizations and arrangements;

7. *Calls upon* States not to permit vessels flying their flag to engage in fishing on the high seas without having effective control over their activities and to take specific measures to control fishing operations by vessels flying their flag;

8. *Calls upon* the International Maritime Organization, in cooperation with the Food and Agriculture Organization of the United Nations, regional fisheries management organizations and arrangements, and other relevant international organizations, and in consultation with States and entities, to define the concept of the genuine link between the fishing vessel and the State in order to assist in the implementation of the Agreement.

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[1] A/54/429, paras. 249-257 and 300-304.

[2] A/54/461.

9. *Urges* all States to participate in the efforts of the Food and Agriculture Organization of the United Nations to develop an international plan of action to address illegal, unregulated and unreported fishing, in particular the Meeting of Experts and Technical Consultation in the Food and Agriculture Organization scheduled for 2000, and in all efforts to coordinate all the work of the Food and Agriculture Organization with other international organizations, including the International Maritime Organization;

10. *Encourages* all States and entities concerned to work with flag States and the Food and Agriculture Organization of the United Nations in developing and implementing measures to combat or curb illegal, unregulated and unreported fishing;

11. *Calls upon* States to provide assistance to developing States as outlined in the Agreement, and notes the importance of participation by representatives of developing States in forums in which fisheries issues are discussed;

12. *Encourages* States and other entities to integrate in an appropriate manner the requirements of the protection of the environment, notably those resulting from multilateral environmental agreements, in the management of straddling fish stocks and highly migratory fish stocks;

13. *Requests* the Secretary-General to bring the present resolution to the attention of all members of the international community, relevant intergovernmental organizations, the organizations and bodies of the United Nations system, regional and subregional fisheries management organizations or arrangements and relevant non-governmental organizations, and invites them to provide the Secretary-General with information relevant to the implementation of the present resolution;

14. *Also requests* the Secretary-General to submit to the General Assembly at its fifty-sixth session a report on further developments relating to the implementation of the present resolution;

15. *Decides* to include in the provisional agenda of its fifty-sixth session, under an item entitled "Oceans and the law of the sea", the sub-item entitled "Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks".